

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. 5:25-cv-00291-SPG-AJR

Date: December 17, 2025  
Page 1 of 2

Title: Pierre Stephen Simms v. John Doe, et al.

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DOCKET ENTRY: **ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD  
NOT BE DISMISSED FOR FAILURE TO PROSECUTE  
BECAUSE PLAINTIFF HAS NOT FILED A SECOND  
AMENDED COMPLAINT**

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PRESENT:

**HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE**

Claudia Garcia-Marquez  
Deputy Clerk

None  
Court Reporter/Recorder

None  
Tape No.

ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANTS:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS)**

On January 31, 2025, Plaintiff Pierre Stephen Simms (“Plaintiff”), a *pro se* pretrial detainee now confined at the West Valley Detention Center in Rancho Cucamonga, California, filed this civil rights action pursuant to 42 U.S.C. § 1983 (the “Complaint”). (Dkt. 1.) On March 10, 2025, the Court screened and dismissed the Complaint with leave to amend for pleading deficiencies. (Dkt. 9.) On May 12, 2025, Plaintiff filed a First Amended Complaint (the “FAC”), which the Court dismissed with leave to amend for continued pleading deficiencies on October 31, 2025. (Dkts. 12, 26.) In the Order, Plaintiff was directed to file a Second Amended Complaint (the “SAC”) that attempts to remedy the identified defects by November 30, 2025. (Dkt. 26.)

As of today, Plaintiff has neither filed an amended complaint nor requested an extension of time in which to do so. This action cannot move forward unless and until Plaintiff files an amended complaint. Plaintiff is ordered to file a SAC, if any, by

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**December 31, 2025** or show cause why the action should not be dismissed with prejudice for failure to prosecute. If Plaintiff chooses to file a SAC, it should attempt to remedy the pleading defects identified in the dismissal order (Dkt. 26), bear the docket number assigned to this case (5:25-cv-00291-SPG-AJR), be labeled “Second Amended Complaint,” and be complete in and of itself without reference to the original Complaint, the FAC, or any other document (except any document that Plaintiff chooses to attach to the SAC as an exhibit). Plaintiff is encouraged to state his claims in simple language and provide only a brief statement of supporting facts, omitting facts that are not relevant. Should Plaintiff decide to file a SAC, he is strongly encouraged to utilize the form complaint attached to this Order.

**Plaintiff is expressly advised that if he does not file a SAC by the Court’s deadline or respond to this order, the Court will recommend that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey Court orders.** If Plaintiff no longer wishes to pursue this action or certain claims or defendants, he may voluntarily dismiss the entire action, certain claims, or certain defendants by filing a Notice of Dismissal in accordance with Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for Plaintiff’s convenience.

IT IS SO ORDERED.

Attachment:

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c).

CV-66, United States District Court, Central District of California Civil Rights Complaint.